

MINUTES

OF THE

May 16, 2019 REGULAR BUSINESS MEETING



OF THE

OKLAHOMA WORKERS' COMPENSATION COMMISSION

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 15, 2018 at 4:02 p.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

**MINUTES OF THE MAY 16, 2019 REGULAR BUSINESS MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on May 16, 2019.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Executive Director Hopper Smith, WCC; Sarah Greenwalt, WCC; Dana Esparza, WCC; Collin Fowler, WCC; Eric Russell, WCC; Andrea Delling, WCC; and James Lawson, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

1. Approval of Minutes

Chairman Liotta presented the minutes of the April 18, 2019 and May 2, 2019, public meetings for approval.

Motion: Commissioner Russell moved to approve the minutes of the April 18, 2019 and May 2, 2019 public meeting minutes.

Commissioner Tilly noted that the minutes provided in the packet were not consistent with the minutes that were circulated electronically as "final" earlier that morning and wanted to make sure the minutes circulated as "final" were the minutes being considered for approval. All commissioners agreed they were considering for approval those minutes circulated earlier electronically as "final".

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

2. Presentation by the Office of the State Auditor and Inspector

The Chairman of the Commission invited Melissa Capps of the State Auditor and Inspector’s office, who presented on the following:

- The differences and benefits of operational and performance audits;
- The estimated cost of each type of audit; and
- Audit timing possibilities in FY2020.

Motion: Commissioner Tilly moved to continue this agenda item.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

3. Discussion and Consideration of Current Commission Policies

The Commission discussed and considered adopting and/or modifying the following policies:

- a) WCC-2 – Travel Policy
- b) WCC-5 – Performance Management Policy

Collin Fowler was recognized, reported, gave his recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to continue the WCC-2-Travel Policy.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly

The motion carried.

Motion: Commissioner Tilly moved to continue the WCC-5-Performance Management Policy.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

4. Consent Agenda for Travel Vouchers Currently Outstanding

85A O.S. § 23 states that any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission considered a vote to approve the currently outstanding vouchers.

Motion: Commissioner Russell moved to approve the consent agenda.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

5. Discussion and Consideration of Reducing the Security Deposit of YRC Worldwide Inc., a Former Own Risk Employer, Permit #19990

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced or released at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission considered reducing the security deposit of Worldwide Inc.

James Lawson was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Russell moved to approve the reduction of the security deposit of YRC Worldwide Inc., as presented.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

6. Discussion and Consideration of Reducing the Security Deposit of Flowers Bakeries, a Former Own Risk Employer, Permit #19012

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced or released at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission considered reducing the security deposit of Flowers Bakeries.

James Lawson was recognized, reported, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve the reduction of the security deposit of Flowers Bakeries as presented.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

7. Legislative Update Report

Commissioner Russell gave a report on legislative meetings and legislation affecting the Commission.

There was no action taken on this agenda item.

8. Update from Compliance Director on His Review of Internal Compliance Policies, Processes, and Procedures

The Compliance Division Director gave an update to the Commission on his observations regarding that Division's internal policies, processes, and procedures.

There was no action taken on this agenda item.

9. Discussion of Communications on Behalf of the Commission

The Commission discussed the process by which communications on behalf of the Commission are drafted and released.

No action was taken on this agenda item.

10. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) and § 307 (B)(4)for the Purpose of Discussing Personnel Issues and Pending Litigation:

A. Motion and Vote to enter into Executive Session.

Motion: Commissioner Tilly moved to enter into Executive Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

1. The Commission evaluated the performance and salary of the Appellate Counsel and discussed potentially restructuring or reorganizing that position within the Commission.
2. The Commission discussed a pending claim under 25 O.S. § 307(B)(4). *See also* A.G. Opin. 2005-29.

B. Motion and Vote to Reconvene in Open Session.

Motion: Commissioner Tilly moved to reconvene into Open Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

11. Announcements

The Commission's next regularly scheduled appeals meeting is on Friday, May 17, 2019. The Commission's next special business meeting is on Thursday, June 14, 2018.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Tilly moved to adjourn.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried. The meeting adjourned.